

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Harari et al.

Title: Flash EEPROM System with Defective Block Substitution

Application No.: 09/143,233 Filing Date: August 28, 1998

Examiner: Hien N. Nguyen Group Art Unit: 2824

Docket No.: SNDK.006UST Conf. No.: 3263

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.181 TO REQUEST REVIEW OF PATENT TERM EXTENSION UNDER FORMER 35 U.S.C. 154(b)

Sir:

This petition is in response to the patent term extension information as printed on the Notice of Allowance and Fee(s) Due mailed November 22, 2010, for the above identified application. Applicant disagrees with the printed patent term extension information and requests that the term extension be reviewed.

The above identified application is an application filed on or after June 8, 1995, and before May 29, 2000, and any determination of term extension would be made under the former 35 U.S.C. 154(b). The patent term extension information as printed on the Notice of Allowance and Fee(s) Due shows a patent term extension of 0 days. It is respectfully submitted that this is incorrect and it is requested that this term extension accordingly be reviewed.

Under the former 35 U.S.C. 154(b)(2), a patent's term is extended "If the issue of a patent is delayed due to appellate review by the Board of Patent Appeals and Interferences". During the prosecution of the above identified application, a Notice of Appeal was filed on November 2, 2006. The application was under appeal until the Examiner issued an Office Action on entirely new grounds on June 23, 2010. The Notice of Allowance was in reply to a Response (on October 15, 2010) to the Office Action of June 23, 2010.

It is respectfully submitted that this issue of an Office Action on entirely new ground should be considered "a decision in the review reversing an adverse determination of patentability" for patent term extension purposes; and that the term of the patent should be

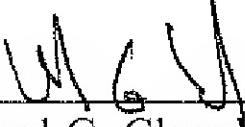
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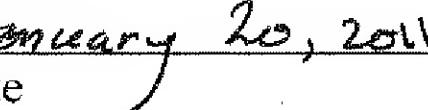
extended according to 37 CFR 1.701 for a period of time to account for this period from when the Notice of Appeal was filed on November 2, 2006, until the issuance of the Office Action on June 23, 2010, during which the application was delayed due to appellate review.

The \$200.00 fee for this petition is being paid according to 37 CFR 1.18(e). However, the Commissioner is authorized to charge any fee that may be required, or to credit any overpayment, against Deposit Account No. 040258.

Respectfully submitted,



Michael G. Cleveland
Reg. No. 46,030



Date

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